

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Terry Dixon v John F Royal**
Docket No. **267882**
L.C. No. **04-432683-NM**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal from the January 3, 2006 order granting defendant's motion to set aside the default judgment is DISMISSED for lack of jurisdiction since the order appealed reinstated the claims against defendant. MCR 2.604(A), 7.202(6)(a)(i), and 7.203(A)(1). Even if the January 2006 order could be deemed a final order, this Court would still lack jurisdiction since appellant claimed his appeal even though a motion for reconsideration was pending. In such circumstances, the appellant cannot claim an appeal until such time that the lower decides the postjudgment motion. MCR 2.604(A), 7.202(6)(a)(i), 7.203(A)(1), and 7.204(A)(1)(b). If appellant still wants to appeal the January 2006 interlocutory order before the entry of the final order, he must file a delayed application for leave to appeal under MCR 7.205(F). See MCR 7.203(B)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 24 2006

Date

Sandra Schultz Mengel
Chief Clerk